

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|---------------------------------|---|----------------------|
| F'REAL FOODS, LLC and |) | |
| RICH PRODUCTS CORPORATION, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 16-41 (GMS) |
| |) | CONSOLIDATED |
| HAMILTON BEACH BRANDS, INC., |) | |
| HERSHEY CREAMERY COMPANY and |) | |
| PAUL MILLS d/b/a MILLS BROTHERS |) | |
| MARKETS, |) | |
| |) | |
| Defendants. |) | |
| |) | |

**PLAINTIFFS F'REAL FOODS, LLC'S AND RICH
PRODUCTS CORPORATION'S INITIAL DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiffs F'REAL FOODS, LLC ("freal") and Rich Products Corporation ("Rich")(collectively "Plaintiffs") make the following initial disclosures based upon the information readily available to them at this time. Although additional information may become available during Plaintiffs' ongoing investigation in this matter, the undersigned attorney of record certifies that, to the best of his knowledge, information and belief, formed after a reasonable inquiry, this initial disclosure complies with the requirements of the Federal Rules of Civil Procedure.

I. Knowledgeable Witnesses

Plaintiffs are aware of the following individuals and corporate witnesses likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

| Name | Address | Subject |
|--------------------------|---|--|
| James J. Farrell | c/o Sideman & Bancroft LLP One Embarcadero Ctr., 22nd Fl. San Francisco, CA 94111 | Invention of patented f̄real technology; commercial success of patented f̄real technology; f̄real's trademark rights; pre-prepared frozen milkshake art generally; level of ordinary skill in the art. |
| Brian P. Williams | Hamilton Beach Brands, Inc. 4421 Waterfront Drive Glen Allen, VA 23060 | Technical configuration and use of infringing Hamilton Beach blenders |
| Ernest B. Pryor | Hamilton Beach Brands, Inc. 4421 Waterfront Drive Glen Allen, VA 23060 | Technical configuration and use of infringing Hamilton Beach blenders |
| Benjamin H. Branson, III | Hamilton Beach Brands, Inc. 4421 Waterfront Drive Glen Allen, VA 23060 | Technical configuration and use of infringing Hamilton Beach blenders |
| Hank Wood | Hamilton Beach Brands, Inc. 4421 Waterfront Drive Glen Allen, VA 23060 | Hamilton Beach/f̄real patent license agreement; willful infringement; lost profit and reasonable royalty damages |
| Paul Mills | Mills Brothers Markets 508 S.E. 2nd Street Milford, DE 19963 | Patent and trademark infringement; lost profit and reasonable royalty damages |
| Jens Voges | c/o Sideman & Bancroft LLP One Embarcadero Ctr., 22nd Fl. San Francisco, CA 91111 | Commercial success of patented f̄real technology; investigation of infringing products; lost profit and reasonable royalty damages; pre-prepared frozen milkshake art generally |
| Kevin Malchoff | c/o Sideman & Bancroft LLP One Embarcadero Ctr., 22nd Fl. San Francisco, CA 91111 | Acquisition of f̄real by Rich Products Corporation and subsequent corporate relationship |

| | | |
|--------------------------|---|--|
| Andy Geppert | c/o Sideman & Bancroft One Embarcadero Ctr., 22nd Fl. San Francisco, CA 94111 | Assisting Mr. Farrell with building a commercial blender to practice Mr. Farrell's sanitation inventions |
| Thomas Kramer | c/o Sideman & Bancroft One Embarcadero Ctr., 22nd Fl. San Francisco, CA 94111 | Assisting Mr. Farrell with building a commercial blender to practice Mr. Farrell's sanitation inventions |
| Hamilton Beach Witness | Hamilton Beach Brands, Inc. 4421 Waterfront Drive Glen Allen, VA 23060 | Sale volume and profitability of infringing Hamilton Beach blenders; investigation of f'real blenders and kiosks; commercial partnership and coordination between Hamilton Beach and Hershey Creamery; instructions to retail customers about operation of infringing Hamilton Beach blenders; location of relevant Hamilton Beach documents |
| Hershey Creamery Witness | Hershey Creamery Company 301 South Cameron Street Harrisburg, PA 17101 | commercial partnership and coordination between Hershey Creamery and Hamilton Beach; investigation of f'real blenders and kiosks; design of "Shake Shop Express" kiosks and advertising; use of the word "Real" in "Shake Shop Express" advertising; identification of "Shake Shop Express" retail customers; instructions to retail customers about operation of "Shake Shop Express" kiosks; sales volume and profitability of Hershey Creamery "Shake Shop Express" milkshakes and smoothies; location of relevant Hershey Creamery documents |

II. Documents

Plaintiffs identify the following documents that they may use to support their claims or defenses. Plaintiffs' investigation in this case is continuing and, thus, Plaintiffs reserve the right to identify additional witnesses and to produce and rely upon further documents and things in support of their positions as such further witnesses, documents and things may be discovered.

1. U.S. Patent No. 5,803,377.
2. Prosecution History of U.S. Patent No. 5,803,377.
3. U.S. Patent No. 7,144,150.
4. Prosecution History of U.S. Patent No. 7,144,150.
5. U.S. Patent No. 7,520,658.
6. Prosecution History of U.S. Patent No. 7,520,658
7. U.S. Patent No. 7,520,662
8. Prosecution History of U.S. Patent No. 7,520,662
9. U.S. Federal Trademark Registration No. 4,203,652 ("f'real")
10. Prosecution History of U.S. Federal Trademark Registration
No. 4,203,652
11. U.S. Federal Trademark Application No. 86/004,047
12. Prosecution History for U.S. Federal Trademark Application
No. 86/004,047
13. Pictures of infringing "Shake Shop Express" kiosks
14. May 26, 2010 "Patent License Agreement" between f'real Foods, LLC
and Hamilton Beach Brands, Inc.

15. Hamilton Beach's August 2, 2011 letter providing notice of termination for the May 26, 2010 "Patent License Agreement"

16. Hamilton Beach's U.S. Patent No. 8,807,823

17. Documents pertaining to commercial partnership and coordination between Hamilton Beach and Hershey Creamery in "Shake Shop Express" kiosks

18. Documents pertaining to knowledge by Hamilton Beach and Hershey Creamery of f'real blenders, milkshakes, smoothies and other commercial products

19. Documents evidencing development of infringing Hamilton Beach blenders

20. Documents evidencing development of infringing Hershey Creamery milkshakes and smoothies

21. Documents identifying "Shake Shop Express" retail customers

22. Documents evidencing design of "Shake Shop Express" kiosks and advertising, including choice of the word "Real" for use in those kiosks and advertising

23. Documents evidencing instructions to retail customers about operation of "Shake Shop Express" kiosks

24. Documents evidencing the sales volume and profitability of infringing Hamilton Beach blenders

25. Documents evidencing the sales volume and profitability of Hershey Creamery "Shake Shop Express" milkshakes and smoothies

26. Documents produced by Hamilton Beach, Hershey Creamery and Mills in response to f'real's document requests

27. January 25, 2015 Rich Products Corporation Patent Assignment

III. Damages

Plaintiffs' investigation of damages caused by defendants' infringement of f'real's patent and trademark rights is continuing. Plaintiffs are unable to provide a computation of their damages until they find out how extensively defendants have infringed f'real's patent and trademark rights, how much they have profited from that infringement and how much of Plaintiffs' business has been lost as a result of that infringement. Assuming that Plaintiffs are able to discover the information they needs to calculate their damages, Plaintiffs will produce a computation of damages in their initial damages expert report.

IV. Insurance

At the present time, Plaintiffs are not aware of any insurance agreement which would be used to reimburse costs or satisfy part of all of any damage award in this action.

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May 19, 2016

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2016, copies of the foregoing were caused to be served upon the following in the manner indicated:

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